

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

CURTIS L. CONROY,)	
)	
Plaintiff)	
)	Case 3:10-0605
v.)	Judge Sharp/Brown
)	
DOLGEN CORP, LLC,)	
)	
Defendant)	

O R D E R

A telephone conference was held at the request of the parties in this matter on June 2, 2011. The conference dealt with the followup of a telephone conference held with the Magistrate Judge on May 19, 2011 (Docket Entry 22). The parties advised that there were 17 store managers that would meet the criteria discussed with the parties at that point, with nine decision managers. Some of the decision managers are no longer employed by the Defendant and those that are employed are scattered from Texas to Indiana. It does appear that one employee, Ms. Smallwood who was a human resource coach, was involved in the majority of the terminations. She is presently on a leave of absence with a July return date.

The parties believe that she may suffice as the Rule 30(b)(6) witness on this issue, but will not be certain until they are able to actually talk to her upon her return from her leave of absence. The Magistrate Judge understands the difficulty with obtaining a Rule 30(b)(6) witness given the scattered nature of the store managers and the decision makers involved with the

terminations. Hopefully, Ms. Smallwood will suffice. If there are serious concerns after she has testified, the parties should contact the Magistrate Judge again.

The parties also discussed the need to take the deposition of a witness in Bermuda beyond the discovery deadline. The parties may do so since they are in agreement.

The parties are again reminded that the Magistrate Judge stands ready to assist with alternative dispute resolution at their request.

It is so **ORDERED**.

/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge